IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

Bail Appl..No. 7202 of 2007()

CMP.5023/2007 of J.M.F.C.,TIRUR
CRIME NO.283/06 OF KUTTIPURAM POLICE STATION

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PETITIONER/13TH ACCUSED:

V.G.PRAKASAN @ THANKACHAN,
AGED 48, VALLAPPALLI HOUSE, KARIMBA AMSOM,
EDAKKURISSY DESOM, MANNARKKAD.

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
DEPUTY SUPDT. OF POLICE, TIRUR (IN CRIME NO.
283 OF 2006 OF KUTTIPPURAM POLICE STATION),
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7202 OF 2007

Dated this the 30th day of November, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Secs.120B and 395 of the IPC. He is accused No.13. The crux of the allegations against the petitioner is that he was a conspirator along with the co-accused and some other co-accused had committed the offence proper under Sec.395 of the IPC. The petitioner's involvement in the crime is only as a conspirator.

2. The alleged incident occurred on 22/11/06. The employees of a steel company were allegedly carrying huge amounts of cash in a secret chamber in their vehicle to their employer. These amounts were allegedly collected from various sources who owed amounts to the principal. While they were proceeding along the National Highway, accused 1

to 9 are alleged to have proceeded in another vehicle. They allegedly intercepted the said vehicle. They were robbed of money which they were carrying. The employees suffered injuries. One of them succumbed to the injuries. The crime was registered. Investigation proceeded. The police have now arrayed 13 accused persons in the crime. Accused No.11 in the crime was a former employee of the said steel company. He is a neighbour of the petitioner. Coming to know of the scheme of the higher links in the conspiracy to attack the victims and rob them of money which they were expected to carry, the petitioner is also alleged to have joined the conspiracy along with accused Nos.10 to 12. They are alleged to have made the initial arrangements to ascertain the places from where money was to be collected by the victims. There was interaction between the other conspirators and the petitioner. The petitioner was arrested on 15/10/07. He continues in custody from that date.

3. The learned counsel for the petitioner submits that the petitioner's alleged role in the conspiracy, even accepting the entire allegations, is only minimal. Even allegedly he is stated to have accompanied the co-accused when they were making arrangements/scheming the operation. In any view of the matter, the petitioner, who has remained in custody from 15/10/07, may now be enlarged on bail, prays the learned

counsel for the petitioner.

4. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the allegations are serious and grave. In a crime like this the Investigator may be given sufficient time, after arresting the accused, to complete the investigation. Some of the co-accused remain to be arrested.

5. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I agree with the learned Public Prosecutor that the Investigator must be given some further time to complete the investigation. The petitioner is not entitled to the invocation of the discretion under Sec.439 of the Cr.P.C. at this stage.

6. In the result this bail application is dismissed. But I may hasten to observe that the petitioner shall be at liberty to move this Court for bail again at a later stage of the investigation not, at any rate, prior to 14/12/07. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

Sd/-

(R. BASANT, JUDGE)

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//true copy// P.S. to Judge